

1 **THORNDAL, ARMSTRONG, DELK,**
2 **BALKENBUSH & EISINGER**

3 Michael P. Lowry, Esq.
4 Nevada Bar No. 10666
5 P.O. Drawer 2070
6 Las Vegas, Nevada 89125-2070
7 Tel: (702) 366-0622
8 Fax: (702) 366-0327
9 Email: mlowry@thorndal.com
10 Attorneys for Pier 1 Imports (U.S.), Inc.

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 HOLLY GERHARDT, individually,

14 Case No.: 2:15-cv-2027

15 Plaintiff,

16 **STIPULATION TO DISMISS THIRD**
17 **CAUSE OF ACTION WITH PREJUDICE**

18 vs.

19 PIER 1 IMPORTS (U.S.), INC.; DOE
20 MANAGERS(S) 1 through 3, DOE
21 EMPLOYEE(S) 1 through 20, and ROE
22 CORPORATIONS I through X, inclusive,

23 Defendants.

24 The amended complaint pleads three causes of action. Pier 1 Imports (U.S.), Inc. moved
25 to dismiss the third cause of action entitled “negligence *per se*.¹ Plaintiff does not oppose this
26 motion.² Consequently, the parties stipulate to dismiss the third cause of action with prejudice.
27 This stipulation does not bar Plaintiff from arguing negligence *per se* at trial, if supported by the
28 evidence, to support a cause of action for negligence against Pier 1.

29
30 _____
31
32 ¹ Dkt 003.

33
34 ² Dkt 009.

Dated this 23rd day of December, 2015

CLARK MCCOURT

/s/ Lukas B. McCourt

Brian P. Clark, Esq.
Nevada Bar No. 4236
Lukas B. McCourt, Esq.
Nevada Bar No. 11839
7371 Prairie Falcon Rd., Suite 120
Las Vegas, NV 89128
Attorneys for Holly Gerhardt

Dated this 23rd day of December, 2015

THORNDAL ARMSTRONG DELK BALKENBUSH & EISINGER

/s/ Michael P. Lowry

Michael P. Lowry, Esq.
Nevada Bar No. 10666
P.O. Drawer 2070
Las Vegas, NV 89125
Attorneys for Pier 1 Imports (U.S.), Inc.

IT IS SO ORDERED

James C. Mahan
UNITED STATES DISTRICT JUDGE

DATED: December 23, 2015

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), on December 23, 2015, the **STIPULATION TO DISMISS THIRD CAUSE OF ACTION WITH PREJUDICE** was served upon each of the parties via electronic service through the United States District Court for the District of Nevada's ECF system.

/s/ Michael P. Lowry

An Employee of Thorndal, Armstrong, Delk,
Balkenbush & Eisinger